

AMENDED IN SENATE JULY 3, 2012
AMENDED IN ASSEMBLY APRIL 17, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1978

Introduced by Assembly Member Galgiani
(~~Coauthor: Assembly Member~~ Coauthors: Assembly Members
Dickinson, Gorell, and Olsen)

February 23, 2012

An act to add Section 151.5 to the Welfare and Institutions Code, relating to unattended collection boxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1978, as amended, Galgiani. Salvageable personal property: collection boxes.

Existing law regulates the placement of collection boxes and requires specified information, *including the name, address, and telephone number of the collection box owner and operator*, to be displayed on the front of each collection box. Existing law authorizes a city, county, or city and county to declare a collection box in violation of these provisions a public nuisance.

This bill, *effective March 1, 2013*, would require the written consent of a property owner *or the property owner's agent* before a collection box may be placed on ~~his or her~~ *the property owner's* property. If the property owner *or property owner's agent* rescinds his or her consent, this bill would require the property owner *or property owner's agent* to provide written notice of the rescission to the collection box owner or operator. This bill would shield an owner of private property *or his*

or her agent, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. *This bill would require a property owner or property owner's agent who causes the removal of a collection box to provide written notice of removal to the address displayed on the front of the collection box, unless no address is displayed.* This bill would also shield a tow truck operator, who acts reasonably, from civil liability to a collection box owner or operator for the removal of an unauthorized collection box. The bill would provide that a property-owner owner, property owner's agent, or person in lawful possession of private property who causes the removal of a collection box, or otherwise disposes of it, despite valid written consent from the property owner or property owner's agent at the time of removal, is civilly liable to the owner or operator of the collection box for 4 times the amount of the towing and storage charges, or \$1,000, whichever is higher. This bill would shield a person from civil liability for the removal of a collection box where removal is necessary to comply with local zoning ordinances.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 151.5 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 151.5. (a) (1) A person may not place or maintain a collection
- 4 box on private property unless the owner or operator of the
- 5 collection box first obtains the written consent of the property
- 6 owner.
- 7 (2) An owner of private property, who has given written consent
- 8 for the placement of a collection box on his or her private property,
- 9 may rescind his or her consent by providing written notice of the
- 10 rescission to the collection box owner or operator. *For purposes*
- 11 *of this section, consent shall be deemed rescinded 10 calendar*
- 12 *days after the owner of private property deposits a written notice*
- 13 *of rescission in the United States mail, postage prepaid, addressed*
- 14 *to the address displayed on the collection box pursuant to Section*
- 15 *151.*
- 16 (b) (1) (A) An owner of private property, who acts reasonably,
- 17 shall not be civilly liable to a collection box owner or operator for

1 the removal of a collection box placed on the property owner's
2 private property without the owner's written consent.

3 (B) An owner of property who has rescinded his or her written
4 consent shall not be civilly liable to the owner or operator of the
5 collection box if the property owner acted reasonably in the
6 removal or disposal of the collection box.

7 (2) A tow truck operator, who acts reasonably, shall not be
8 civilly liable to a collection box owner or operator for the removal
9 of a collection box from private property if the tow truck operator
10 first obtains authorization from the property owner.

11 (c) (1) A property owner or person in lawful possession of
12 private property who causes the removal of a collection box to a
13 storage facility, or otherwise disposes of a collection box, despite
14 valid written consent from the property owner pursuant to
15 paragraph (1) of subdivision (a) at the time of removal, shall be
16 civilly liable to the owner or operator of the collection box for four
17 times the amount of the towing and storage charges, or one
18 thousand dollars (\$1,000), whichever is higher.

19 (2) Paragraph (1) shall not apply to make a person liable for
20 removal of a collection box where removal is necessary to comply
21 with enforcement of applicable permitting, zoning, or other local
22 ordinances.

23 (d) *A property owner who causes the removal of a collection*
24 *box shall send a written notice of removal to the address that is*
25 *conspicuously displayed on the front of every collection box*
26 *pursuant to Section 151. That notice shall be mailed within five*
27 *days of removal and include the current location of the box. This*
28 *section shall not apply if no address appears on the front of the*
29 *collection box.*

30 (e) (1) *For purposes of this section, a property owner's agent*
31 *may provide written consent for the placement of the collection*
32 *box pursuant to paragraph (1) of subdivision (a) if that consent is*
33 *consistent with the authority conferred upon the agent by the*
34 *property owner in writing. That agent may also rescind his or her*
35 *consent pursuant to paragraph (2) of subdivision (a).*

36 (2) *A property owner's agent shall be considered a property*
37 *owner for purposes of subdivisions (b), (c), and (d) provided that*
38 *the requirements of the subdivisions are otherwise met.*

- 1 (f) *This section shall become operative on March 1, 2013.*

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